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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,639	08/07/2002	Ake Bergstrom	P/1228-153	3099
2352	7590	04/22/2004	EXAMINER	
OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403			DUNN, DAVID R	
			ART UNIT	PAPER NUMBER
			3616	

DATE MAILED: 04/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/089,639	BERGSTROM ET AL.	
	Examiner	Art Unit	
	David Dunn	3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 and 28-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 and 28-33 is/are rejected.
- 7) ☒ Claim(s) 24-26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is responsive to the amendment filed 20 January 2004 in which claim 27 was canceled.

Claim Objections

1. Claims 18-20, 22, 23, and 28-33 objected to because of the following informalities: the recitations of "the frame" and "the rear axle unit" should be amended to be consistent with claim 17 as claim 17 now recites two rear axle units, each having a frame. For example, in claim 18, the examiner recommends changing "the frame" to --each frame--. Regarding claims 31-33, "the frame" should be amended to specify which frame the towbar or coupling device is attached to. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 18-22, 29, 30, 33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 18 and 22 recite the limitation "the frame structure". There is insufficient antecedent basis for this limitation in the claim. It is not clear what comprises "the frame structure".

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 17-20, 22, 23, and 31-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Hull et al. (5,860,668).

Hull et al. discloses a rear axle arrangement for a heavy vehicle, wherein the vehicle includes an elongated chassis element (16) which extends in a longitudinal direction of the vehicle from front to rear; the rear axle arrangement includes at least two separate rear axle units (72, 48), each rear axle unit including a load bearing frame and two wheels (84, 86) respectively at lateral sides of the rear axle arrangement; one of the rear axle units (72; Figure 4; see also Figures 3 and 7) is forward toward the chassis element; each rear axle unit frame having a forward end region and a rearward end region in the longitudinal direction of the vehicle, the forward end region of the forward one of the frames being adapted to connect to the chassis element; each rear axle unit is a substantially self-supporting axle module such that the rear axle units may be connected to each other by the respective frames of the rear axle units being connected to each other (at 42); and the two wheels of each rear axle unit are suspended on the respective frame of the unit.

The frame defines a space which extends through the frame structure in the longitudinal direction (see Figure 4). The frame includes lateral side portions and upper and lower sections

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connecting the side portions (see Figure 5) which forms a quadrilateral frame around the space.

As seen in Figure 3, the frame section has two lower portions.

Each frame has an individual suspension (86) in the frame for the two wheels. A coupling device (66) is located at the rear axle on the upper frame. Hull also shows a towbar (50).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hull et al. in view of Hickman (3,918,736).

Hull et al. is discussed above and does not show a driven rear axle.

Hickman teaches a trailer with a driven rear axle with a differential gear (13).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hull et al. with the teachings of Hickman to provide the truck with driven rear wheels in order to provide increased power for the truck.

Allowable Subject Matter

8. Claims 21 and 30 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

9. Claims 24-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

10. Applicant's arguments with respect to claim 17 have been considered but are moot in view of the new ground(s) of rejection.

11. It is noted that this action is made non-final due to the new 112, 2nd paragraph rejection made above.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Todd, Jr. et al. shows an axle arrangement of interest.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Dunn whose telephone number is 703-305-0049. The examiner can normally be reached on Mon-Thur, alt. Fridays, 9:00-5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 703-308-2089. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'David Dunn', with a long horizontal flourish extending to the right.

David Dunn
Primary Examiner
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